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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 8th meeting
Held at Headquarters, New York, on Thursday, 23 June 2011, at 3 p.m.

Chairman: Mr. Carrión-Mena ..... (Ecuador)

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The meeting was called to order at 3.15 p.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of New Caledonia (A/AC.109/2011/16; A/AC.109/2011/L.12)

2. **The Chairman** informed the Committee that the delegation of Solomon Islands had indicated its wish to participate in the Committee's consideration of the item. He drew attention to the working paper on New Caledonia prepared by the Secretariat (A/AC.109/2011/16) and to a draft resolution on the issue (A/AC.109/2011/L.12).

Draft resolution A/AC.109/2011/L.12

3. **Mr. Daunivalu** (Fiji), introducing the draft resolution on behalf of his country and Papua New Guinea, said that there was sometimes an excessive focus on achieving the political independence of Non-Self-Governing Territories without placing sufficient emphasis on their economic and social sectors, which should be an intrinsic part of the decolonization process. The Committee could play a more active role in that area, in order to ensure that the resolutions it adopted each year were effectively implemented for the benefit of the peoples concerned. There might also be some gaps and duplication in the work of different United Nations and other organizations in reviewing conditions in those Territories and taking appropriate measures to accelerate their economic and social development, owing to challenges arising from the legal status of the Territories and a potential lack of available information. Those issues should be borne in mind when considering the question of New Caledonia.

4. At its Leaders Summit in March 2011, the Melanesian Spearhead Group had decided to assist the decolonization process in New Caledonia through annual monitoring and assessment of the Nouméa Accord. He was confident that the people of New Caledonia, with the support of the French authorities, would be able to receive assistance from the Special Committee, United Nations organizations and other international and regional organizations for the full implementation of the Nouméa Accord and the Declaration on decolonization. Dialogue aimed at improving cooperation between the Special Committee and the administering Power was of the utmost importance. In that connection, the French Government was to be commended for the support and assistance it had given to the process thus far.

5. He drew attention to updates in the text of the draft resolution and urged the Committee to adopt it by consensus.

6. **Mr. Aisi** (Papua New Guinea) said that his delegation welcomed the positive developments in New Caledonia, especially the adoption by its Government of the law on the anthem, the motto and banknote designs; the contribution of the Melanesian Cultural Centre to the protection of the Kanak identity; initiatives aimed at protecting the natural environment; the cooperative attitude of other States and territories in the region; and the continued support of the administering Power. The decision of the Melanesian Spearhead Group Leaders Summit to engage in annual monitoring and assessment of the Nouméa Accord would complement the work of the Special Committee in assisting the people of New Caledonia to freely determine their political status and pursue their economic, social and cultural development.

7. His delegation noted the political events that had taken place in New Caledonia over the last six months and welcomed the efforts by all parties, including the territorial Government, the Front de libération nationale kanak et socialiste (FLNKS) and the administering Power, to address sensitivities through consultation and dialogue. It strongly encouraged all parties to keep up the momentum. However, it also reiterated its call for a stronger focus on skills training in professional, technical and management areas, together with legal training, capacity-building, skills transfer and an emphasis on development across all sectors and regions of the Territory. In that connection, it encouraged enhanced efforts by all parties to explore and utilize the available assistance and expertise of United Nations agencies in developing the capacities of the Kanak people and addressing other constraints. It urged the Committee to liaise with relevant United Nations agencies in that regard and to raise the issue at the July 2011 session of the Economic and Social Council.

8. His delegation welcomed the support and cooperation of the administering Power in helping to ensure the success of the visit by the Special Rapporteur on the rights of indigenous peoples to New

Caledonia in February 2011. He also commended that Power for the positive measures taken in cooperation with all sectors of the population to promote political, economic and social development in the Territory. Lastly, he called on the Committee to adopt the draft resolution by consensus.

9. **Mr. Beck** (Observer for Solomon Islands) said that his delegation associated itself with the statements made by the representatives of Fiji and Papua New Guinea. The four Melanesian countries of the United Nations, mandated by their leaders to work with all stakeholders to ensure that existing arrangements in New Caledonia were administered in the best interests of its people, as well as in the interests of international peace and security, were deeply engaged on the question and had an institutionalized relationship with FLNKS. In recognition of the shared history, culture and traditional values of the Melanesian peoples of the Pacific, who made up more than 90 per cent of the population of the Pacific small island developing States, the Melanesian Spearhead Group had visited New Caledonia in 2010, pursuant to Chapter VIII of the Charter of the United Nations.

10. While the draft resolution before the Committee indicated that significant progress had already been made under the Nouméa Accord, it also identified what needed to be done to ensure that the people of New Caledonia, and in particular the Kanaks, were able to control the future destiny of the Territory and ensure its stability. The Committee should be given regular updates on progress in the implementation of the Nouméa Accord.

11. His delegation welcomed the recent visit to New Caledonia of the Special Rapporteur on the rights of indigenous peoples, and the reactivation of the dialogue on the Territory by the Pacific Islands Forum Ministerial Standing Committee, of which New Caledonia was an associate member. While progress had been made on some nation-building tools, including the anthem, motto and banknote designs, other issues, such as the question of a flag and the underrepresentation of indigenous people in the Territory's Government and social structures, remained unresolved.

12. **Mr. St. Aimee** (Saint Lucia), noting that the entire region was involved in New Caledonia's decolonization process, said that such support would be vital for the Territory's successful transition to independence, if it chose that path. He commended New Caledonia and the administering Power for ensuring that all steps were taken in accordance with the express wishes of the people who would eventually exercise their right to self-determination. It was also encouraging that New Caledonia was engaging in nation-building before it became independent, since that would help to ensure a stable future. The difficulties with the question of the flag and other issues were merely growing pains.

13. It would be a real sign of progress if other Non-Self-Governing Territories could embark on the path towards decolonization in the course of the following decade.

Hearing of petitioners

14. **The Chairman** said that, in line with the Committee's usual practice, petitioners would be invited to take places at the petitioners' table and would withdraw after making their statements.

15. **Mr. Tutugoro** (Front de libération nationale kanak et socialiste (FLNKS)), recalling that, according to the Nouméa Accord, the transfer of sovereign powers to the people of Kanaky/New Caledonia could take place as early as 2014, said that while agreement had been reached in the last year on an anthem, motto and banknote designs, it had been more difficult to resolve the question of the flag. The French Prime Minister had, however, symbolically raised the flag of FLNKS alongside the French flag at the residence of the representative of the French State in Kanaky/New Caledonia and had requested that both flags should be flown on all public buildings.

16. The administering Power should implement support measures without delay to enable the people of Kanaky/New Caledonia to exercise, in an effective and sustainable manner, the powers that had been or would be transferred to them. Mechanisms for training the country's future leaders in the areas of education, security and the economy had not always been effectively implemented to date. However, the discussions held at the meeting of the Committee of Signatories of the Nouméa Accord on 24 June 2010 had pointed to the importance of respecting the existing schedule for the transfer of powers, including in the areas of education and training; making a political assessment of the Nouméa Accord; giving consideration to the economic, social and industrial

development of the country; and holding discussions on its future in order to prepare for the referendum on self-determination, including the specific wording of the referendum question. Although progress had been delayed by a disagreement among the anti-independence parties, which had destabilized the Government of Kanaky/New Caledonia and caused a four-month crisis, a solution had now been found and a fourth Government had recently been formed.

17. FLNKS would welcome regular visits to Kanaky/New Caledonia by bodies authorized by the United Nations to observe and assess the relevance of the public policies implemented. In that connection, it noted that the Melanesian Spearhead Group had visited the country for the first time in 2010 in order to evaluate the political process under way. FLNKS also hoped that Kanaky/New Caledonia could become a full member of the Pacific Islands Forum.

18. Owing to its status as a Non-Self-Governing Territory, Kanaky/New Caledonia suffered from a shortage of suitably qualified professionals to exercise effectively the powers transferred from the administering Power. For example, it had only two doctors, no judges and no lawyers. FLNKS would therefore welcome greater clarity regarding the assistance provided by the United Nations to peoples subject to colonization, in the areas of social development, governance, education and professional training, health care, environmental management and natural disaster response. In particular, it requested the United Nations to provide special training grants for diplomats and senior executives. It also reiterated its request for assistance in the form of legal expertise to redefine the foundations of the 1987 draft Kanaky Constitution.

19. Lastly, he called on the Special Committee to continue to give hope to all peoples that were subject to colonization and had not yet been included on the list of Non-Self-Governing Territories, in particular the people of West Papua in Melanesia and the Mahoi of so-called French Polynesia, among whom there were political majorities in favour of inclusion on that list.

20. *Draft resolution A/AC.109/2011/L.12 was adopted.*

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2011/2, A/AC.109/2011/4, A/AC.109/2011/5, A/AC.109/2011/6, A/AC.109/2011/7, A/AC.109/2011/8, A/AC.109/2011/9, A/AC.109/2011/10, A/AC.109/2011/11, A/AC.109/2011/12 and A/AC.109/2011/15; A/AC.109/2011/L.8)

Hearing of petitioners

Turks and Caicos Islands

21. **The Chairman**, recalling that the Committee had already decided, at its 3rd meeting, to accede to the request for hearing contained in aide-mémoire 05/11, drew attention to the further requests for hearing contained in addendum 1 to that document. He took it that the Committee wished to accede to those requests.

22. *It was so decided.*

23. **The Chairman** said that, in line with the Committee's usual practice, petitioners would be invited to take places at the petitioners' table and would withdraw after making their statements.

24. **Mr. Gibbs** (Turks and Caicos Forum) said that the failure of the administering Power, the United Kingdom of Great Britain and Northern Ireland, to discharge its responsibilities in the Turks and Caicos Islands was of great concern. In addition to greatly improved performance by the administering Power, greater capacity-building in Turks and Caicos and more effective monitoring by the United Nations were necessary.

25. Since the United Nations special mission to the Turks and Caicos Islands in April 2006, the situation had deteriorated markedly. He hoped that the Committee would consider carrying out another special mission to the islands in the very near future. The administering Power seemed intent on obfuscating and covering its failures with respect to oversight and responsibility for good governance, while concentrating on investigations of locally elected members of the Parliament of Turks and Caicos.

26. The working paper prepared by the Secretariat (A/AC.109/2011/10) reported that the Special Investigation and Prosecution Team had experienced delays due in part to the lack of local expertise. In fact,

there was sufficient local expertise to assist with investigations, but the leader of the Team had stated that local professionals would not be engaged. The Team had not initiated legal action against any former members of Parliament. That was a miscarriage of justice for the presumed potential defendants, who were living under a cloud of suspicion, and for the people of the islands, as that inaction was delaying the return to an elected government.

27. The administering Power had taken the position that suspension of the legislature had been necessary for the sake of good governance. In cases of malfeasance by members of the British Parliament, of which there had been at least five in the last year, similar action had not been taken. However, as a result of suspicion with regard to a few parliamentarians in Turks and Caicos, an interim dictatorship presided over by British civil servants had been implemented.

28. There was inequity in the application of judicial and administrative actions against officials elected locally versus those appointed by the administering Power. The most recent Governor had failed miserably in the areas of good governance and oversight, yet was not a subject of inquiry. The failures of responsible officers of the Foreign and Commonwealth Office and the most recent Governor and Attorney-General should be investigated.

29. Despite the administering Power's claims to the contrary, the recently implemented direct rule had not resulted in good governance. Citizens of Turks and Caicos had no avenue of redress for grievances against the interim administration. Input and enquiries from the Consultative Forum, which represented the people, were ignored in relation to matters of national significance, and there was a lack of transparency and accountability in the workings of the interim arrangements. There had been no discernible attempts at civil service capacity-building. Fiscal management remained questionable and was possibly even worse than before, as shown by the recent cut-off of the power supply to some public buildings owing to delinquent account status. Expatriate citizens of Turks and Caicos were disenfranchised by onerous residency requirements, whereas citizens of the administering Power were allowed to vote by absentee ballot.

30. While there had been public consultations by the Constitutional and Electoral Reform Adviser, they had been cursory and the people's input had not been included in the Adviser's recommendations. The resulting Constitution would not reflect the aspirations and wishes of the people.

31. The Committee should demand that the administering Power should provide a better explanation of its assault on the human rights and access to parliamentary democracy of the people of the Turks and Caicos Islands and of its delay of the islands' progress towards self-determination. The administering Power should be asked to present a definitive timetable with meaningful benchmarks for the achievement of the milestones promulgated by its Minister for Overseas Territories. Lastly, the United Nations should establish a monitoring team to provide oversight and hold the administering Power accountable.

32. **Mr. Roberts** (Turks and Caicos Forum) said that in 2009, a Commission of Inquiry called for by the Crown had uncovered the probability of widespread corruption in the governance of Turks and Caicos. However, key British officials overseeing the Territory's Government, including the Governor and Attorney-General, had been immune from the inquiry. The British had voided the Constitution of Turks and Caicos, removed the sitting Government, installed their own and commenced investigations, but the former Governor and Attorney-General had been allowed to leave quietly and had not been heard from since.

33. The situation had deteriorated greatly since then, with massive layoffs, unprecedented taxation and shutdowns of long-standing sources of income generation. The interim Government made decisions apparently based on favouritism and conflicts of interest. It had made virtually no effort to draw from the large pool of skilled Turks and Caicos-born professionals abroad, and had retained in the civil service individuals known to be tainted by corruption. Most shocking of all was the British Government's recent invitation of a hand-picked Turks and Caicos delegation to London to fine-tune a new draft Constitution. None of the members of the delegation had at any time engaged the citizenry to hear what constitutional issues were of concern to them.

34. The situation in Turks and Caicos was grave. After a long absence, the overseeing colonial Power had reinserted itself. However, no one was overseeing the overseers. The Committee should authorize a group such as the Turks and Caicos Forum to act as an

observer, under the auspices of the United Nations, to catalogue the concerns of the islands' residents and present them to the Committee for review. That was the only way to guard against excess and abuse by the colonial Power.

Draft resolution A/AC.109/2011/L.8

35. **Mr. St. Aimee** (Saint Lucia), recalling recent resolutions stating that matters of self-determination and independence should be considered on a case-by-case basis, said that lumping 10 or more Territories together in one resolution ran counter to that principle and made it impossible to give serious consideration to each Territory's situation. The question of Anguilla was different from that of the United States Virgin Islands, and Guam was not like Montserrat. The Committee was doing a disservice to the peoples concerned. There was little desire to participate in some of its regional seminars because people did not see their specific interests being addressed. While his delegation would support the draft resolution, the Committee should, in future, consider better ways of dealing with the Territories in question.

36. *Draft resolution A/AC.109/2011/L.8 was adopted.*

37. **Mr. Aisi** (Papua New Guinea) said that, while his delegation had not wished to stand in the way of a consensus on the draft resolution, it believed that the issues raised by the delegation of Saint Lucia were worthy of consideration

Report of the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism
(A/AC.109/2011/CRP.1)

38. **The Chairman** drew attention to a conference room paper containing the draft report of the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism (A/AC.109/2011/CRP.1).

39. **Mr. Cousiño** (Chile), speaking as the Chair of the drafting group that had prepared the draft report, said that it included the opinions of all who had participated in the seminar and was an accurate reflection of the proceedings.

40. **Mr. Aisi** (Papua New Guinea), expressing his gratitude to the people and Government of Saint Vincent and the Grenadines for hosting the seminar, said that the Committee should engage in serious reflection on the important suggestions and proposals for the Third International Decade contained in the report.

41. **Mr. St. Aimee** (Saint Lucia) said that he concurred with the representative of Papua New Guinea regarding the importance of reflecting on the various proposals made prior to and during the seminar, in order to consider how the Committee could make an impact and achieve genuine progress in the implementation of its mandate over the next decade.

42. **The Chairman** said he took it that the Committee wished to adopt the draft report of the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism and annex it to the Committee's report to the General Assembly at its sixty-sixth session.

43. *It was so decided.*

The meeting rose at 4.50 p.m.